

500 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-3796
612 632-3000
Fax: 612 632-4444

1010 WEST ST. GERMAIN STREET
SUITE 600
ST. CLOUD, MN 56301
320 252-4414
Fax: 320 252-4482

IFW
Reply to Minneapolis
Robert W. Gutenkauf
612 632-3086
robert.gutenkauf@gpmlaw.com

October 22, 2004

VIA FIRST CLASS MAIL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: Nash, et al.
Application No.: 10/658,491
Filed: September 8, 2003
Title: IMMUNOGEN ADHERENCE INHIBITOR DIRECTED TO LACTIC ACID
PRODUCING ORGANISMS AND METHOD OF MAKING AND USING IT
Group Art Unit: 1644
Attorney Docket No.: 93485

TRANSMITTAL LETTER

Dear Sir:

Enclosed for filing with the United States Patent and Trademark Office, please find:

1. Transmittal Letter, including Certificate of First Class Mailing under 37 C.F.R. 1.8 (2 Sheets);
2. Information Disclosure Statement under 37 CFR §1.97(b);
3. Information Disclosure Statement by Applicant (Form PTP/SB/08A & B – 2 Sheets);
4. Copies of non-patent references cited; and,
5. Postage-paid postcard itemizing the above documents.

Although we believe that no fees are due at this time, please charge Deposit Account 50-0937 for any fees required at this time. If you have any questions, please contact me.

Very truly yours,


Robert W. Gutenkauf (25,681)
Attorney for Applicants



Commissioner for Patents

Page 2

October 22, 2004

Certificate of First Class Mailing under 37 C.F.R. §1.8

I hereby certify that the following identified correspondence is being mailed with sufficient postage for First Class Mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 22, 2004: Transmittal letter with Certificate of First Class Mailing under 37 C.F.R. §1.8 (2 Sheets); Information Disclosure Statement by Applicant; Information Disclosure Statement by Applicant (Form PTP/SB/08A – 2 Sheets); Copies of non-patent references cited; and, Postage-paid postcard itemizing the above documents.


Judy Sigal

Enclosures/GP:1637426 v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Nash, et al.

Application Number

10/658,491

Filing Date

September 8, 2003

Art Unit

1644

For:

**IMMUNOGEN ADHERENCE
INHIBITOR DIRECTED TO
LACTIC ACID PRODUCING
ORGANISMS AND METHOD OF
MAKING AND USING IT**

Examiner

Huynh, Phuong N.

File No.:

93485

**Information Disclosure Statement
Under 37 CFR §1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the references listed on the enclosed Forms PTP/SB/08A and PTP/SB/08B be considered by the Examiner in the examination of this application.

Applicant does not represent that this list is a complete state of the prior art. The enclosed reference list is not intended to replace the Examiner's search. It is respectfully submitted that the examiner proceed with an independent and complete search of the prior art in the examination of this application.

Respectfully submitted,

By: 

Robert W. Gutenkauf

Reg. No. 25,681

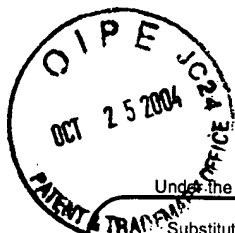
Gray, Plant, Mooty, Mooty & Bennett, P.A.

P.O. Box 2906

Minneapolis, MN 55402-0906

October 22, 2004

GP:1637575 v1



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|-----------------|
| Application Number | 10/658,491 |
| Filing Date | 09/08/2003 |
| First Named Inventor | Nash, Peter |
| Art Unit | 1644 |
| Examiner Name | Huynh, Phuong N |
| Attorney Docket Number | 93485 |

Sheet 1 of 2

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | A | US- 5,196,193 | 03/23/1993 | Carroll, Sean B. | |
| | B | US- 5,585,098 | 12/17/1996 | Coleman, Marilyn A. | |
| | C | US- 5,919,451 | 07/06/1999 | Cook, et al. | |
| | D | US- 4,933,364 | 06/12/1990 | Ivy, et al. | |
| | E | US- 5,367,054 | 11/22/1994 | Lee, Young-Zoon | |
| | F | US- 4,550,019 | 10/29/1985 | Polson, Alfred | |
| | G | US- 5,753,228 | 05/19/1998 | Sterling, et al. | |
| | H | US- 4,748,018 | 05/31/1988 | Stolle, et al. | |
| | I | US- 5,753,268 | 05/19/1998 | Stolle, et al. | |
| | J | US- 5,080,895 | 01/14/1992 | Tokoro, Hideo | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |

FOREIGN PATENT DOCUMENTS

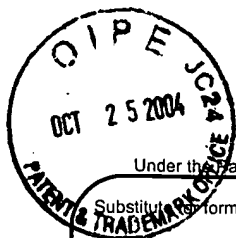
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|------------------|
| Application Number | 10/658,491 |
| Filing Date | 09/08/2003 |
| First Named Inventor | Nash, Peter |
| Art Unit | 1644 |
| Examiner Name | Huynh, Phuong N. |
| Attorney Docket Number | 93485 |

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | K | CHARLEY, Helen and WEAVER, Connie; "Foods: a Scientific Approach;" Third Edition; Merrill/Prentice Hall; New Jersey 1998; pg. 350. | |
| | L | COOPER et al.; "Effect of Rumesin and Feed Intake Variation on Ruminal pH;" 1997 Beef Index Report; http://animalscience.unl.edu/beef/br97/EFFRUMEN.html ; pgs. 49 - 52. | |
| | M | DAMRON, W. Stephen; "Introduction to Animal Science: Global, Biological, Social and Industry Perspectives;" Prentice Hall; New Jersey 2000; pgs 57 -58. | |
| | N | GODFREY, et al.; "Virginiamycin to Protect Sheep Fed Wheat, Barley or Oats from Grain Poisoning under Simulated Drought Feeding Conditions;" Aust. J. Agric. Res, Vol. 46; Australia, 1995; pgs 393 - 401. | |
| | O | NAGARAJA, T. G. and CHEGAPPA; M. M.; "Liver Abscesses in Feedlot Cattle: A Review;" J. Anim. Sci., Vol. 76; US 1998; pgs 287 - 298. | |
| | P | GOAD et al.; "Ruminal Microbial and Fermentative Changes Associated with Experimentally Induced Subacute Acidosis in Steers;" J. Anim. Sci., Vol 76; US 1998; pgs 234 -241. | |
| | Q | NOCEK, James E.; "The Link Between Nutrition, Acidosis, Laminitis and Environment;" http://www.afns.ualberta.ca/Hosted/WCDS/Proceedings/1996/wcd96049.htm ; Canada 1996; pgs 1-13. | |
| | R | OWENS et al.; "Acidosis in Cattle: A Review;" Journal of Animal Science, Vol 76, Issue 1; US 1998; pgs 275 - 286. | |
| | S | PLAIZIER et al.; "Studies on the Rumen Physiology and Metabolic Function with Pre- and Postpartum Administration of Rumensin CRC in the Dairy Cow;" http://home.cc.umanitoba.ca/~plazier/momensin.html ; Canada; pgs 1-11. | |
| | T | RUSSEL, James B. and HINO, Tsuneo; "Regulation of Lactate Production in Streptococcus bovis: A Spiraling Effect that Contributes to Rumen Acidosis;" Journal of Dairy Science, Vol 78, US 1995; pgs 1712 - 1721. | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.